GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA

UNSTARRED QUESTION NO:1256
ANSWERED ON:10.12.2003
AMENDMENT OF DRUG CONTROL ACT
ANIL BASU

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether the Government has a proposal to amend the Drug Control (Amende

(d) Act;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI A. RAJA)

(a) to (c) There is no such Act under the administration of this Ministry. However, the Government has initiated steps to bring forth a legislation for amending various provisions of the Drugs and Cosmetics Act, 1954 o n the lines suggested by the Mashelkar Committee. A summary of the recommendations contained in the interim report of the Mashelkar Committee is Annexed.

ANNEXURE

As regards penalties for offences provided in the Drugs and Cosmetics Act, 1954, the Committee has recommended that:

a. The penalty for sale and manufacture of spurious drug that causes grievous hurt or death should be enhanced from life imprisonment to death. Even the penalty for manufacture and sale of spurious drugs that do not cause grievous hurt or death should also be made more severe.

b. The offences related to spurious drugs should be made cognizable and non-bailable. The bail, if considered by the court should be granted onlyafter a period of three months.

c. The penalty for not disclosing the source of purchase of drugs by a dealer should be made stringent.

d. A provision should be included in the Drugs and Cosmetics Act to enable the Central and State Governments to designate special courts for speedy trial of spurious drugs cases.

e. A provision for compounding of offences should be included in the Drugs and Cosmetics Act.

f. Under Drugs and Cosmetics Act, besides the Drug Inspectors, Police should also be authorized to file prosecution for offences related to spurious drugs.